

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EDWIN JAMES BITTNER,)
v.)
OPTOS, INC.,)
Plaintiff,) CIVIL ACTION NO. 04-12465-MLW
Defendant.)
)

**STIPULATION REGARDING DOCUMENTS
OBTAINED FROM THIRD-PARTY SUBPOENAS**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their respective counsel, that (1) the parties will not require testimony for the purpose of authenticity from the Custodian of Records or any other witness from the following third-party respondents; (2) the parties will not raise objections with respect to authenticity of the documents produced by the following third-party respondents; and (3) the parties reserve all other objections to any documents until presented at the time of trial. The third-party respondents include:

1. Aksys, Ltd.;
2. Bayer HealthCare / Diagnostics Division;
3. EBay Inc.;
4. FEI Company / Philips Electron Optics;
5. Fluke Corporation;
6. Grubb & Ellis Company;
7. Madden Industrial Craftsmen Inc. / Finn Madden LLC;

8. Monster.com; and
9. State of Washington, Department of Social & Health Services.

Any documents produced by a third party during discovery subsequent to the execution of this Stipulation may be subject to the Stipulation if both parties so agree.

EDWIN JAMES BITTNER

By his attorney,

OPTOS, INC.

By its Attorneys,

/s/ Howard Wilgoren
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Dated: November 23, 2005

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